

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** West Jordan General Plan Future Land Use Map Amendment

**SUMMARY:** **West Jordan Future Land Use Map Amendment** – Amend the West Jordan Future Land Use Map for approximately 12.1 acres of land located at approximately 1850 West Drake Lane from High Density Residential to Medium Density Residential; City of West Jordan (applicant) [Ray McCandless #GPA20140003]

**FISCAL IMPACT:** None

**RECOMMENDATION:**

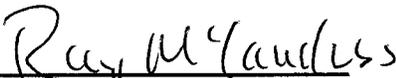
Staff recommends that the City Council approve the proposed revision to the Future Land Use Map as recommended by the Planning Commission.

**MOTION RECOMMENDED:**

"I move to approve the proposed revisions to the Future Land Use Map from High Density Residential to Medium Density Residential and direct Staff to prepare an ordinance to implement the changes".

Roll Call vote required

**Prepared by:**

  
Ray McCandless, Senior Planner

**Reviewed by/Concur with:**

  
Tom Burdett, Development Director

**Recommended by:**

  
Richard L. Davis, City Manager

**Reviewed as to legal form:**

  
Jeff Robinson, City Attorney

## I. BACKGROUND:

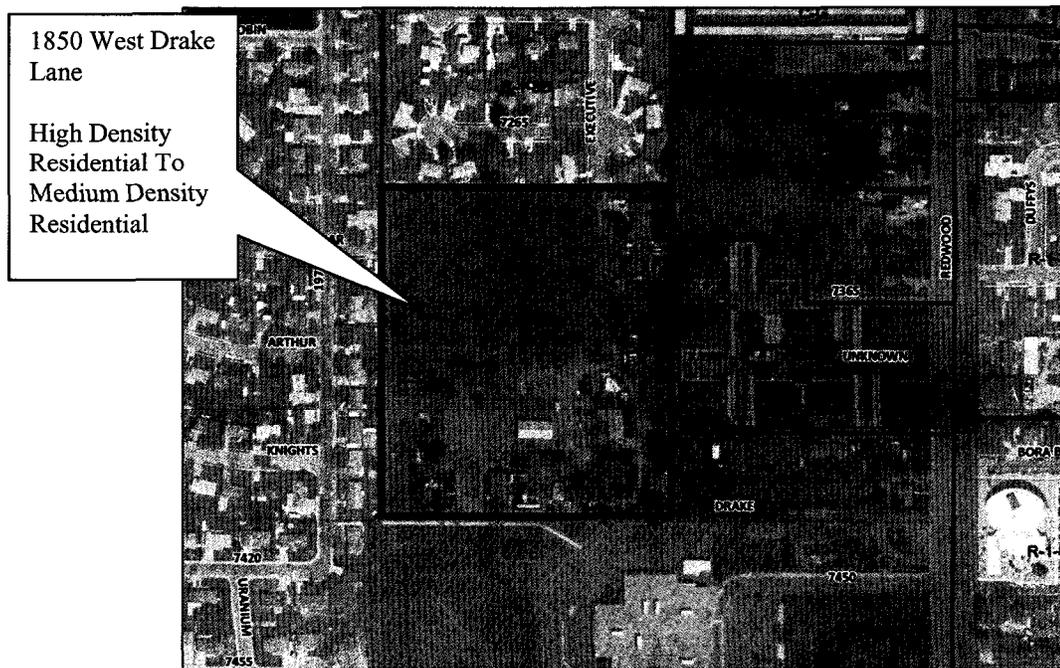
On June 4, 2013, the Planning Commission and City Council held a joint workshop to discuss several items. One of the topics was consideration of potential amendments to West Jordan Future Land Use Map regarding whether there are any properties identified on the map as high or very high density residential that should be assigned a lower density land use type. Following the discussion, the Mayor directed staff to proceed with a change in the Future Land Use Map to reflect the current R-1-8A zoning on the property located at approximately 1850 West Drake Lane.

On March 18, 2014, the Planning Commission tabled action on this item to give staff additional time to meet with property owners to discuss the proposed changes to the Future Land Use Map. As requested, the Planning Staff met with residents on April 16<sup>th</sup>. The property owner's views are addressed in the following sections of this report.

On May 20, 2014, in a 4-0 vote, the Planning Commission voted to forward a positive recommendation to the City Council that the Land Use Type for this property on the City's Future Land Use Map be changed from High Density Residential to Medium Density Residential.

## II. ANALYSIS:

This property is located at approximately 1850 West Drake Lane. It is approximately 12.1 acres in size and is currently being used for single-family residences and for farming purposes. The property is zoned R-1-8A, however; the Future Land Use Map designates this property as High Density Residential. The Future Land Use Map and zoning are not consistent with each other as R-1-8 zoning is considered Medium Density Residential. The following illustration shows the *current* Future Land Use Map designation with the zoning map superimposed.



The Aspen Pines Apartments to the east are zoned R-3-20 and are accessed directly from Redwood Road. There is no existing or likely street connection between the apartments and this property. There are streets to the north and northwest (Executive and Friar Streets) that are stubbed into this property meaning that it was intended that this property be connected to the subdivisions to the north and west.

The subdivisions to the north and west are zoned R-1-8 and because this property is also zoned R-1-8, it makes sense to change the Future Land Use Map to be consistent with the current zoning.

On April 16, 2014, Staff met with several property owners and surrounding residents to discuss proposed changes. The property owners would generally like to leave the designation on the Future Land Use map as High Density Residential to keep their future development options intact. This would require a future City Council to agree to rezone this property to a High Density Residential multi-family zone, which action is uncertain at best. The neighboring property owners; however, would like to see the property designated as Medium Density Residential to reflect the current R-1-8 zoning and for consistency in density with the adjoining neighborhoods to the north and west.

The two options for the City Council to consider are to leave the High Density Residential designation as requested by the property owners as is or change the land use designation to Medium Density Residential.

Note: An ordinance will be forwarded to the City Council reflecting its decision at a later date.

### III. FINDINGS OF FACT

According to Section 13-7C-6: Findings for Approval, any amendments to the general plan, including maps, shall be approved only if:

**Criteria A:** *The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;*

**Discussion:** An example of the goals and policies in the General Plan relating to the proposed text amendment is - *Continually and consistently update the Future Land Use Map, zoning map, and zoning ordinance for ease of reference and administration. (Page 19)*

The General Plan supports keeping the Future Land Use Map current.

**Finding:** The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

**Criteria B:** *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;*

**Discussion:** Other sites for high density residential are available in other areas in the city. Changing the Future Land Use Map from High Density Residential to Medium Density Residential to make the use consistent with the zoning on the property is appropriate.

**Finding:** The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

**Criteria C:** *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;*

**Discussion:** Changing the Future Land Use Map to be consistent with the current zoning on the property will ensure compatibility with other existing or planned land uses in the vicinity.

**Finding:** The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

**Criteria D:** *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;*

**Discussion:** The proposed amendment will be an improvement to the Future Land Use Map as the change will make the map more accurate in describing future land use needs for this property. The proposed revision does not benefit any single person or entity.

**Finding:** The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.

**Criteria E:** *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change;*

**Discussion:** The land use patterns as shown on the Future Land Use Map will remain intact and will not result in larger or more expensive public infrastructure improvements.

**Finding:** The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

**Criteria F:** *The proposed amendment is consistent with other adopted plans, codes and ordinances; and*

**Discussion:** The Future Land Use Map graphically reflects the land use policies of the City's General Plan which can change from time to time as conditions change. The proposed map amendment reflects such a change. The proposed amendment is not inconsistent with other adopted plans, codes or ordinances.

**Finding:** The proposed amendment will be consistent with other adopted plans, codes and ordinances.

**Conclusion:**

The proposed amendment to the Future Land Use Map is necessary to update the map and make it more consistent with zoning and with adjoining land uses.

**IV. STAFF RECOMMENDATION**

Staff recommends that the City Council approve amending the Future Land Use Map from High Density Residential to Medium Density Residential as recommended by the Planning Commission.

**V. MOTION RECOMMENDED:**

Based on the findings set forth in this staff report, and upon the evidence and explanations received today, I move that the City Council approve the amendment to the Future Land Use Map amendment for approximately 12.1-acres of land located at approximately 1850 W. Drake Lane from High Density Residential to Medium Density Residential.

*If the moving Councilmember disagrees with the staff's findings and conclusions and finds substantial evidence supporting a different result, the following motion may be given:*

Based on the findings set forth in this staff report, and upon the evidence and explanations received today, I move that the City Council deny the proposed Future Land Use Map amendment for approximately 12.1 acres of land located at approximately 1850 W. Drake Lane from High Density Residential to Medium Density Residential. Specifically, I disagree with the Staff and find that the following required criteria for an amendment to the Future Land Use Map has/have not been met:

1. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;
2. The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;

3. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;
4. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;
5. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change;
6. The proposed amendment is consistent with other adopted plans, codes and ordinances;

Which criteria has been met or not met? Why?

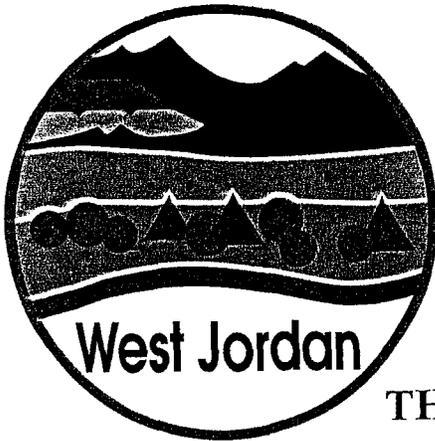
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*Note: All applicable criteria must be met to support a positive action by the Planning Commission.*

## **VI. ATTACHMENTS:**

Exhibit A - March 18, 2014 and May 20, 2014 Planning Commission Minutes

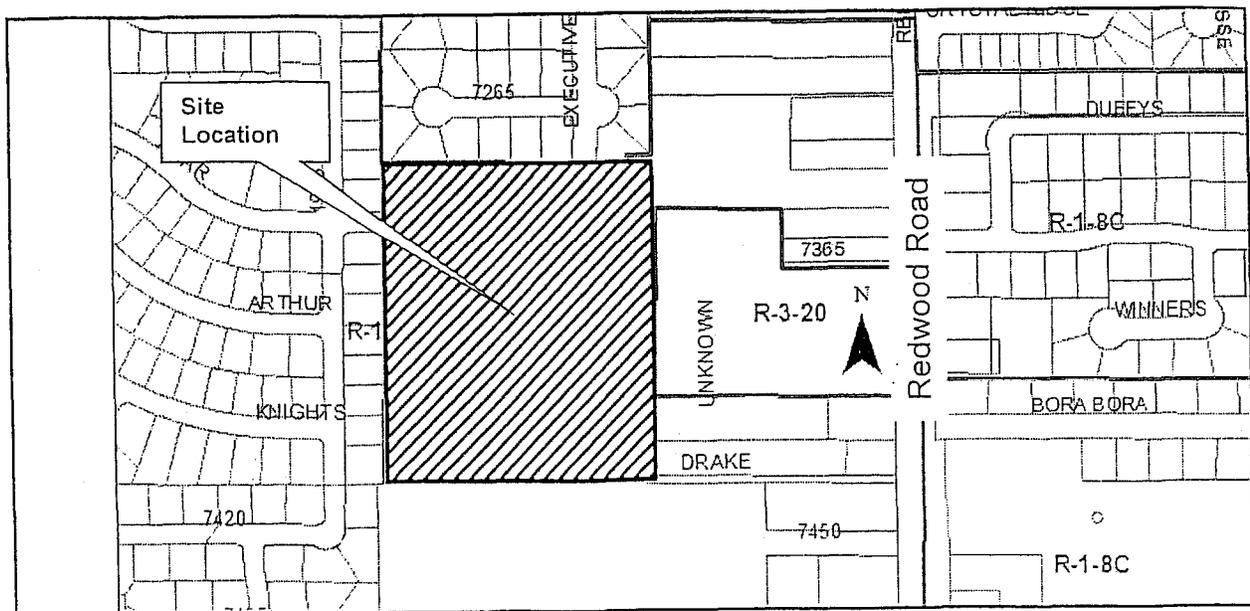


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Entity  
Smalings

**City of West Jordan**  
8000 South Redwood Road  
West Jordan, Utah 84088  
(801) 569-5100  
Fax (801) 565-8978

## THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING

A Public Hearing will be held before the City of West Jordan City Council on Wednesday, July 9, 2014, at the hour of 6:00 p.m., in the City Council Chambers at 8000 South Redwood Road, Third Floor, West Jordan, Utah, to receive public comment prior to considering a General Plan Land Use Map Amendment for approximately 12.1 acres from High Density Residential to Medium Density Residential for Drake Lane Land Use Amendment at approximately 1850 West Drake Lane; City of West Jordan, applicant. You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. If you desire to speak on an item, the time will be limited to 3 minutes. Items may be moved on the agenda or tabled by the City Council. Copies of the agenda packet for this meeting will be available on the City's website [www.wjordan.com](http://www.wjordan.com) approximately 4-days prior to the meeting.



The City of West Jordan, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call the City Recorder at 569-5115, giving at least three working



**City of West Jordan**  
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See map on reverse side

March 18 and May 20, 2014  
Planning Commission Meeting Minutes

**Exhibit A** Planning Commission Meeting Minutes

4. **West Jordan Future Land Use Map Amendments – Amend the West Jordan Future Land Use Map for approximately 12.1 acres of land located at approximately 1850 West Drake Lane from High Density Residential to Medium Density Residential and approximately 9.13 acres of land located at approximately 9053 South 1150 West from Very High Density Residential to Community Commercial; City of West Jordan (applicant) [#GPA20140003, parcels 21-27-177-010, 011, 012, 014, 015, 016, 017, 018, 019, 020; #GPA20140004, parcels 27-02-326-002, 003, 004, 008, 009, 010, 011, 012, 028, 031, 032]**

Ray McCandless said at a workshop last June the City Council and Planning Commission looked at two areas that were identified as high density residential that could be changed to another use type.

#### Drake Lane

The current zoning is R-1-8A. He explained the difference between the zoning map and the future land use map. The application is not to rezone the property, but to change the future land use map. Staff's recommendation is medium density residential, because high density residential is not consistent with the R-1-8 zoning.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Future Land Use Map amendment for approximately 12.1 acres of land located at approximately 1850 W. Drake Lane from High Density Residential to Medium Density Residential.

#### 1150 West

This property is currently zoned A-5 and is surrounded by commercial and apartment uses to the west and east and low density residential to the south. The current land use is very high density residential and staff's recommendation is to make a change to community commercial, but there are other options for them to consider, such as extending the low density residential to the north with the frontage on 9000 South being professional office or commercial.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Future Land Use Map amendment for approximately 9.13 acres of land located at approximately 9053 S. 1150 W. from Very High Density Residential to Community Commercial.

Dan Lawes asked what the advantages/disadvantages are of changing it to low density residential and then revisiting it in the future when there is an application to redevelop.

Ray McCandless said 9000 South is a busy street with a lot of traffic, so they could take advantage of that frontage. He didn't like putting a residential development next to that much noise, so even professional office along that frontage would provide buffering to the residential uses.

Greg Mikolash said when they put R-1-8 through R-1-12 uses along a busy road someone will be impacted.

Dan Lawes opened the public hearing.

Jeanette Drake, West Jordan resident, read a list of the property owners and said none of them were given advance notice so they could arrange their schedules and prepare to respond to this change that will affect them materially and financially. Their needs, desires, and interests were ignored and compromised. She didn't see a need to make a land use change now when the current agricultural use is going to continue. It is a waste of time for city employees and volunteers and taxpayers' resources to make a change on paper when the process will just be repeated once the property is developed. They should wait to see if the change is necessary. The change from high density to medium density residential is not consistent with the surrounding area. None of the residential developments that surround this property are medium density residential. According to the Salt Lake County Assessor's office, the properties in Camelot Subdivision are 7,405 square feet and in Richland Estates they are 8,712 square feet, which is not medium density. If they city wants to change colors on the map to be consistent then these other subdivisions should be changed to high density.

Ron Drake, West Jordan property owner, said the staff report states they want to make the property consistent with the zoning and the city's general plan, but on page 9 of the general plan it indicates that the general plan is a guide to decision making, the policies represented is a course of action and not mandatory, and no one policy is binding on the city. So if they approve the proposal it isn't binding on the city at all. But if it is approved, then the property owners *will* be bound, which is unfair. If the city changes the land use, it will be harder for the property owners to ask for a change in the future. The staff report states that there are other sites for high density, but this application is about their property and not for other sites. He did not agree with the statement that the change would be consistent and appropriate because the subdivisions to the west, north, and east are high density and the home sizes don't match medium density. No one in attendance knows how many homes could be built on this property, but if they develop in ten years and want 5.1 homes per acre he won't be allowed if this change is made.

Linda Crandall, West Jordan property owner, stated that she owns part of the property with her siblings. She didn't receive notice of the meeting, so she chose not to attend her caucus meeting in order to be here. She felt that they as owners should be able to decide what to do with their property. Their farm has been in West Jordan since 1885, it is a centennial property, and it is valuable. They've had some ideas for their property, but until they want to pursue it they don't think it is appropriate for the city to make any recommendations.

Dan Lawes asked about the noticing and it was stated that the notice gets mailed to the address for the property owner as listed by the Salt Lake County Recorder's office.

Gene Drake, West Jordan resident on the north end of the farm, said they would like to keep the zoning R-1-8A. The farm has been in the family since 1880, and they currently have no plans to change it. Everyone in the room eats three times a day, and their farm provides food for people. They would like to keep the land use designation as high density.

Robert Barrus, West Jordan property owner, spoke concerning the property on 1150 West. He said that a meeting with the property owners would have been appropriate so they could have more than three minutes to speak. He said it took him four years to develop the River Oaks Subdivision even without any zoning changes. One problem was that the apartment developer on 9000 South didn't finish the access, so he had to buy the home on the corner and install improvements costing him \$1 million. He asked the city if he could stub four water meters and sewer outlets into the one-acre parcel so he wouldn't have to tear up the road to develop that corner property, which was approved. Later he

asked to develop those homes and he has been stymied by the city ever since. There are builders who want to put twin homes there now. But now the city turns him down on the application when he comes in every 18 months to 2 years. He has had no offers for commercial uses on his property, but he has had several calls about high density residential and a few for apartments. He would like the neighborhood involved in the process. He didn't think commercial would be good unless someone buys all eleven lots at once, but he didn't think that they were all available. He is frustrated that he can't move forward with his property because of the city.

Julie Dole, West Jordan resident, lives north of the proposed change on 9000 South. She has lived there for eighteen years, so people *do* live on busy streets. She agreed that a neighborhood meeting with the property owners would be nice to gather ideas. More information on the notice would be helpful. There are other residential and agricultural lots in the area and she wasn't sure if she would want to be across from a business development. If this area is made commercial then a traffic signal would be needed at 1075 West.

Merlin Harrison, West Jordan resident, said it is a waste of time to rezone the area for any reason until there is a developer who wants to do it. Right now the only access to the properties is through a private lane. If they approve a change now then the residents will be bothered by developers to sell the property. The properties aren't for sale so he didn't know why the council wanted to make this change. If the frontage is developed commercially it will land lock the properties in the back. So they need to deal with all of the properties together in a sensible manner.

Janet Rowley, West Jordan resident, said they live just south of the subject properties, and they aren't interested in any change in zoning. She agreed that it would have been nice to receive notification with more clarity.

Public comment for this item was closed at this time.

Ellen Smith asked staff to clarify medium density residential.

Ray McCandless said R-1-8 and R-1-10 zones are medium density, which would match the zoning of the properties to the west of the Drake property.

Zach Jacob said they are not discussing a change in the zoning tonight. The zoning on the Drake property is already R-1-8, which is the same as the property to the north and the west. The size of the home is not what determines the density, but it is the lot size. The lots to the north and west are all about 8,000 square feet, which is medium density. The only high density property in this area is the apartments to the east. He thought if a developer asked for a high density development on the property today, the planning commission and city council would probably turn it down. He didn't think that apartments and townhomes would be compatible for the Drake property.

Dan Lawes explained that the future land use map is a guiding document as to what they envision for the area.

David Pack said land rights are a paramount concern to people. In the background analysis it says that the change may be appropriate at this time. It doesn't necessarily need to be done at this time. The applicant is the city and the city should serve its residents, but tonight there hadn't been one comment

in favor of the proposed changes. Using a devil's advocate viewpoint he didn't see a clear benefit to make the change right at this time for either of the areas.

Ellen Smith agreed that the noticing could have been done better and there is a lot of education and explanation that needs to take place with the city and the residents. It is her understanding with a future land use designation of high density residential that someone could apply tomorrow and ask for the maximum density that is allowed and it would be within their rights. So by not changing it they run the risk of getting a development that doesn't match the uses to the west and the north. However, that doesn't mean they should move on it tonight.

David Pack asked if she was saying that this change actually safeguards the residents.

Ellen Smith said they have heard from the property owners who want it to stay the same so they have the freedom to do what they want and what gives them leeway. They have only heard from one resident on the previous item who spoke against high density. Tonight they are balancing the rights of the property owners and the surrounding residents and their need to safeguard what could be developed. Developers usually ask for the maximum density allowed.

Zach Jacob agreed that education needs to happen between the city and the residents and property owners. He thought that if they vote for the change it would actually be giving the owners and residents what they want, but they just don't know it yet, so it needs to be explained better. They can either table it tonight or they can go forward with a recommendation and let the city council decide if there needs to be a meeting.

David Pack asked how large the noticing was for the items, because they hadn't heard from the surrounding residents.

Tom Burdett said it was 300 feet from the property line.

David Pack also felt that there should be more discussion with the residents so people feel more informed and more comfortable with how the city runs.

There was a discussion regarding the timeframe of when the item would go to the city council and when a meeting with the property owners could take place.

Ellen Smith said on the surface the proposal is leading to the lower densities that the city council wants.

Tom Burdett said the city council initially identified these properties when they denied a multifamily development on the Fullmer property. At that time they asked staff to look at other high density areas in the city that were similar to the Fullmer property, and these were identified. At the workshop in June staff asked what use designation they wanted instead of high density.

Bill Heiner had empathy for the citizens who felt blindsided by the request. The planning commission knows what they are trying to do, but the citizens will need time to talk about it and give suggestions to the city.

**MOTION:** Bill Heiner moved to table the Future Land Use Map Amendments until they can have more public input and staff education so that the citizens have a better feel for what they are trying to accomplish without feeling railroaded. The motion was seconded by Zach Jacob.

There was a discussion regarding what are they trying to accomplish and if there is a set timeframe.

Bill Heiner withdrew his motion.

**MOTION:** Zach Jacob moved to table the Future Land Use Map Amendments to give the City the opportunity to meet with the property owners and neighboring residents so that everybody is on the same page, and to bring it back within 6 months. The motion was seconded by Lesa Bridge.

**AMENDED**

**MOTION:** David Pack moved to amend the motion changing the timeframe to up to 2 months so they can take prompt action and not leave the residents waiting. The amendment was accepted by Zach Jacob and Lesa Bridge and the amended motion passed 7-0 in favor.

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Tom Burdett gave updates of recent and upcoming city council actions. A workshop for the city council and planning commission has been scheduled for April 30<sup>th</sup> at 6:00 p.m. He indicated that city emails can be created for the commissioners if they are interested.

David Pack suggested that they should look at dates of official government business when planning their yearly calendar so they don't have conflicting meetings.

The commission asked that the agenda be changed to more clearly state that citizen comment is limited to 3 minutes per person and that the representative of a group may have 5 minutes to speak.

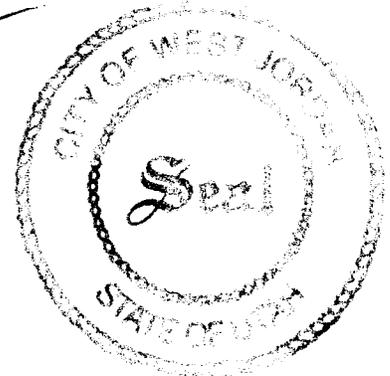
Robert Thorup gave an update on recent legislative actions.

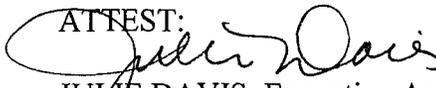
**MOTION:** Bill Heiner moved to adjourn.

The meeting adjourned at 7:32 p.m.



DAN LAWES  
Chair



ATTEST:  
  
JULIE DAVIS, Executive Assistant  
Development Department

Approved this 1 day of April, 2014

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3. **Baker Subdivision; 4235 West Farm Road; Preliminary and Final Subdivision Plat (2 lots on 1.85 acres); M-1 Zone; Baker Investment Properties, LLC/Gary Baker (applicant) [#SDMA20140005; parcels 21-31-452-001, 005]**

Stuart Knight, Knight Real Estate Advisors, said he is part of the group doing the subdivision. He was available to answer questions.

Nannette Larsen said the property lines will be amended to create Lot 1 and Lot 2. Because the north property line extends into the public right-of-way, road dedication to the city is required. No other physical changes are being made to the site.

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Preliminary/Final Major Subdivision approval of Baker Subdivision located at 4235 and 4277 West Farm Road in an M-1 zoning district, with the conditions of approval as listed below:

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The final subdivision plat must meet all requirements of the Engineering and Fire Departments.
3. Approval of a Final Subdivision Plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator. (14.3.8.B)

Dan Lawes opened the public hearing.

Further public comment for this portion of the public hearing was closed.

**MOTION: Ellen Smith moved based on the positive findings of fact in the staff report to approve the Preliminary and Final Subdivision Plat for Baker Subdivision; 4235 West Farm Road; Baker Investment Properties, LLC/Gary Baker (applicant) with the conditions of approval as set forth in the planning commission packet. The motion was seconded by Sophie Rice and passed 5-0 in favor. Zach Jacob and Lesa Bridge were absent.**

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4. **West Jordan Future Land Use Map Amendments – Amend the West Jordan Future Land Use Map for approximately 12.1 acres of land located at approximately 1850 West Drake Lane from High Density Residential to Medium Density Residential and approximately 9.13 acres of land located at approximately 9053 South 1150 West from Very High Density Residential to Low Density Residential or other designation; City of West Jordan (applicant) [#GPA20140003, parcels 21-27-177-010, 011, 012, 014, 015, 016, 017, 018, 019, 020; #GPA20140004, parcels 27-02-326-002, 003, 004, 008, 009, 010, 011, 012, 028, 031, 032]**

**Drake Lane**

Ray McCandless said the city-initiated petitions were discussed in March of this year and postponed in order to give the property owners a chance to give more input. The request is to change the future land

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use from a high density residential designation to medium density residential to reflect the current R-1-8 zoning. At the neighborhood meeting, the opinions were split down the middle with the property owners asking that it be left as high density and the surrounding property owners wanting it changed to medium density residential land use to reflect the current zoning. He noted that the city council recently denied a rezoning for the Amara Court townhomes at a nearby property.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed Future Land Use Map amendment for approximately 12.1-acres of land located at approximately 1850 W. Drake Lane from High Density Residential to Medium Density Residential.

Dan Lawes opened the public hearing for Drake Lane.

Bruce Sailor, West Jordan resident and speaking for the surrounding property owners, said as an appraiser he felt that their property values would be negatively affected. He was also concerned with the property compatibility with apartments, increased traffic, and access through the existing subdivisions. There are little children who play in the area, police say that high density housing increases crime, and it is usually marketed to a transient-type of person who doesn't have an incentive to keep the property improved, and there will be an increase in the school population.

Linda Crandall thanked the commission for meeting with the property owners at the workshop. Their family farm has been there for over 100 years. She asked the commissioners what they would like to leave for their posterity and how they would fight for it if this had been their property for over 100 years. She asked them to keep the zoning as it is.

Greg Mikolash clarified this is a land use issue and not a zoning change.

Douglas Dowding, West Jordan resident, asked for an explanation of what the current high density land use would allow versus medium density.

Jeanette Drake, West Jordan resident, said her home is part of the acreage in question, although she isn't a legal owner in the Drake Family Partnership. When she married into the family more than 40 years ago there were no subdivisions or apartments adjoining the property. They weren't really thrilled when the vacant properties were developed, but they didn't oppose them or promote their own self-interest, because they figured that property owners have a right to do what they wanted. This is her same perspective. They were surprised with the recommendation in March and appreciated the extra time to study it and to meet with the city planners. She has a better understanding of what is happening, but she still doesn't understand why it is happening other than political maneuvering. She didn't think it is necessary when there are no offers on the property, no plans for development, and the property isn't listed for sale. She said this process hasn't been pleasant for them. There have been calls, rumors, speculations, and it has taken time to study it out. She suggested that the planning commission refuse to hear recommendations that aren't going to make immediate changes in land use. Probably nothing will happen for several years and maybe even for many years. By that time there will be a new city council and planning commission, the population of Salt Lake County will greatly increase, and more housing will be needed. All traffic doesn't have to be through the Richland and Camelot subdivisions. There is convenient mass transit on Redwood Road and TRAX is within

walking distance. She felt that this process has been unpleasant for the citizens and is a waste of time for the planning.

Ellen Smith left the meeting at 6:25 p.m.

Gene Drake, West Jordan resident, gave a history of his family's ownership of the subject land since 1880. Ten acres were developed into the Richland Estates subdivision. He has lived and farmed there since he was a young boy. He asked the commission to leave it the way it is and see what happens in the future.

Ron Drake, West Jordan resident, said this proposal has disturbed their family, their security and peace. It has been upsetting to them and to their neighbors. If the proposal is granted then it will devalue their property in half overnight. The commission would be saying the same thing if it were their property. He presented a newspaper article that states within the next 30 years there will be another 1.4 million people in this valley. He didn't feel that they needed to make this change now. The city just passed Ordinance 14-17 calling for a moratorium on multi-family dwellings until the city can re-evaluate the development regulations. If the city council can decide there shouldn't be any changes in the next six months why can't they keep their property the same for the next six months and see what happens. The general plan can change at any time, so he didn't see the purpose in making the change tonight. The staff recommendations stated that the proposed land use is compatible with the existing uses in the vicinity, but there are apartments on one side and housing with 7,405 square foot lots on the other side. The family suggests they leave it alone and see what happens down the road.

Susan Pasi, West Jordan resident, spoke about quality of life. They love having the Drakes as a neighbor because it presents a beautiful quality of life. Her subdivision is a wholesome and stable place where they all know one another. Children are being raised there and they watch out for each other. If the item is tabled, those who are aging might not be as proactive in the future as they are able to be now, so they are being proactive now to keep a wholesome neighborhood in West Jordan.

Kelley Anne Severinsen, West Jordan resident, said the farm is not an issue. The issue is whether or not it turns into apartments. The change might devalue the Drake property, but if it is apartments it will devalue the property of everyone in the neighborhood. She said this property will be connected to the subdivisions, but the existing apartments don't connect. They will bring more traffic to an area that has a lot of children, it will bring crime, it will devalue property, and they don't want to be a through street to get from Redwood Road to 2200 West.

Further public comment for this portion of the public hearing was closed.

Ray McCandless stated that high density residential has a density of 5.1 to 10.0 units per acres while medium density is 3.1 to 5.0 units per acre. The existing apartments to the north are very high density residential at 20 units per acre.

The land use of the surrounding properties was reviewed. It was pointed out that regardless of what action they take today, a developer could ask for a change in the future.

David Pack said both parties are citing negative impacts and values. There is a differentiation between zoning and land use. He felt the paramount issue in our country is the right of a landowner to do what

they want with their property. The surrounding owners don't want high density apartments so they want the change, but the landowners don't want the change. If he had to choose between them he would go with the rights of the landowner to use their land without government interference, to a certain extent.

Sophie Rice said while she agreed with that statement, she didn't think apartments would work in that location.

Dan Lawes said they aren't committing anyone to a specific development tonight, so someone could apply for another use in the future.

Bill Heiner said property rights are most important. He didn't think land values of the surrounding properties would change if the land use remains as it is, because nothing is being developed yet. But if it is reduced to medium density then it would probably reduce the current landowners' value.

David Pack said the public perception is that it will open the door to what future development will be.

Dan Lawes said the goal of the general plan is to guide development without firm structure.

Bill Heiner said if a developer wants to purchase the property for a high-density development they still have to go through this same process. At that point they would be locked in to a particular zone, but right now they are only dealing with the future land use.

Sophie Rice said the whole reason this came up was due to public outcry that there is too much high density and the past city council wanted to address the issue.

Bill Heiner said the market will drive that as the population increases.

Dan Lawes said that also factors into their workshop and the city council motion for a moratorium.

David Pack said it is hard to hypothesize what will happen in the future. Things will fluctuate and people and times will change and it will still be an issue down the road. Because it is one way or the other he personally felt that the landowner trumps the other consideration.

Bill Heiner reiterated the public comment of 'if it's not broke don't fix it'. If things stay the way they are, it will be market-driven by the population, which is going to increase. If there is an opportunity to create higher density in the future, then the land use is in place. He thought that a change would affect the landowners at this point.

It was pointed out that with only four commissioners as a quorum they only need a majority for a vote to pass.

**MOTION:** Dan Lawes moved to forward a positive recommendation to the city council for the proposed future land use map amendment for approximately 12.6 acres of land located at approximately 1850 West Drake Lane from high density residential to medium density residential. The motion was seconded by Sophie Rice and failed 2-2.

[Discussion on this item and a motion for positive recommendation occurs following the hearing for 1150 West]

**1150 West**

Ray McCandless gave an overview of this city-initiated request. A workshop was held with the property owners as well. The current designation is very high density residential. Staff's original recommendation was for community commercial, the second option is for a split land use with community commercial and professional office. Another option could be for community commercial on the north and low density residential on the south. At the property owner meeting it seemed that the majority of the property owners liked their agricultural use and single-family homes so their preference was to change the entire piece to low density residential. Staff felt that any of the options will work, but there is nothing to stop a developer from assembling properties in the future and proposing a change through a formal rezoning and land use amendment process. There was a call from one property owner who preferred that it be left as it is because of the property value issue.

Dan Lawes opened the public hearing.

Further public comment for this portion of the public hearing was closed.

David Pack said if there were property owners in attendance to say they wanted it to stay the same, he would want to be consistent. Seeing that there was no opposition he was in favor of the proposal for low density residential.

Sophie Rice agreed and remembered some of the comment from the last hearing where residents across 9000 South didn't want commercial in that area.

Dan Lawes said this could also change in the future if an application is brought before them and is proven to be good for the area.

Bill Heiner asked about splitting the land use for the north one-third to be community commercial since there is commercial all along 9000 South. They aren't changing the zoning.

Ray McCandless said one problem with doing that is they don't know how deep the commercial should be since there isn't an active application. It might make more sense to put the entire area in one designation until an application determines a different boundary.

**MOTION: Bill Heiner moved based on the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council for the Future Land Use Map Amendment for approximately 9.13 acres of land located at 9053 South 1150 West from High Density Residential to Low Density Residential. The motion was seconded by Sophie Rice.**

**AMENDED**

**MOTION: David Pack moved to amend the motion for clarification from Very High Density Residential to Low Density Residential. The amendment was accepted by**

**Commissioners Heiner and Rice and the amended motion passed 4-0 in favor. Zach Jacob, Lesa Bridge, and Ellen Smith were absent.**

Robert Thorup said they were given almost the identical information on this matter as they were in the prior matter with staff indicating that they had received a phone call from the property owner indicating they would like to leave it the way it is. These are both matters that have criteria set by the code, so they are quasi-judicial matters. The question is if the criteria have been met on this, then the criteria would have to have been met on the earlier one. If the criteria were not met on the earlier one then he would say they wouldn't have been met on this one. To protect the city and make decisions uniform they might want to consider changing one or the other decision. It didn't make any sense other than public clamor, and public clamor cannot be a factor in quasi-adjudicative matters.

David Pack thought that the issue was quasi-legislative with subjective reasoning as opposed to objective criteria.

**MOTION:** David Pack moved to reconsider the previous motion in light of legal evidence.

Commissioner Pack explained that since he cast a negative vote on the Drake property it is the same in this circumstance and would be negative. If both decisions have objective criteria Mr. Thorup is saying that they need to have the same deliberative decision.

The motion died for lack of a second.

#### **Drake Lane**

Dan Lawes said if all of the criteria were met on the 9000 South property, unless they can find something that isn't being met in the criteria on the Drake property then they are at the point that staff has made the case for their recommendation.

**Dan Lawes said they will stand adjourned for five minutes to read through the information presented.**

The meeting reconvened at 7:09 p.m.

Dan Lawes said the underlying zone on the Drake property is currently R-1-8 and isn't presently zoned for any other purpose. For high density to be developed there today an application would have to be submitted with findings of fact that show it is appropriate. The proposal is to have the guiding document of the future land use map match the current zoning.

David Pack stated that a case can be made with any contract. Staff makes a case that there are better options and more logical sites for multi-family and they also indicated that it doesn't prevent future developers from requesting a more intensive residential or commercial land use designation in the future. You compare that with Mrs. Drake's testimony from the last meeting that there isn't a need to change the land use when the current agricultural use is going to continue and it is a waste of time for city employees, volunteers, and taxpayer resources to make a change on paper when the process will just be repeated once the property is developed. She asked them to wait to see if a change is necessary. He was under the assumption that this was a quasi-legislative issue, which changes his perspective.

Bill Heiner said he also appreciated the clarification as it made a difference in his mind.

**MOTION:** Dan Lawes moved to forward a positive recommendation to the City Council for the Future Land Use Map Amendment for approximately 12.1 acres of land located at approximately 1850 West Drake Lane from High Density Residential to Medium Density Residential. The motion was seconded by Sophie Rice.

David Pack explained that he couldn't find any fault in the staff report, objectively, despite his subjective feelings.

**VOTE:** The motion passed 4-0 in favor. Zach Jacob, Lesa Bridge, and Ellen Smith were absent.

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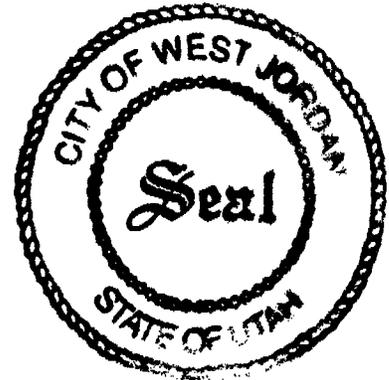
Greg Mikolash gave an update on recent city council actions and how applications may be affected by the moratorium.

**MOTION:** David Pack moved to adjourn.

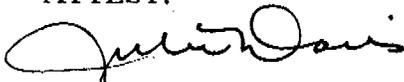
The meeting adjourned at 7:15 p.m.



DAN LAWES  
Chair



ATTEST:



JULIE DAVIS  
Executive Assistant  
Development Department

Approved this 3 day of June, 2014